

~~PROPOSED~~ ORDER/COVER SHEET

TO: Honorable Wayne D. Brazil  
U.S. Magistrate Judge

**FILED**

RE: Kelvin Arnold

MAR 17 2008

FROM: Claudette M. Silvera, Chief  
U.S. Pretrial Services Officer

DOCKET NO.: CR 07-00488 CW

DATE: March 17, 2008

RICHARD W. WIEKING  
CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

Paul Mamaril  
U.S. PRETRIAL SERVICES OFFICER

510-637-3750  
TELEPHONE NUMBER

RE: MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.

- ☐ I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.
- ☒ Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. 4 on 3/19/08 at 10:00 am.
- ☐ Inform all parties concerned that a Bail Review Hearing will be conducted by:  
Magistrate Judge \_\_\_\_\_ Presiding District Court Judge \_\_\_\_\_
- ☐ I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:
- ☐ Modification(s)
- A.
- B.
- ☐ Bail Revoked/Bench Warrant Issued.
- ☐ I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).
- ☐ Other Instructions:

JUDICIAL OFFICER

DATE

Cover Sheet (12/03/02)

cc: WTB's Stats, Copy to parties via ECF  
Pretrial, Shikah, Financial

**To:** Honorable Wayne D. Brazil  
U.S. Magistrate Judge

**From:** Paul Mamaril  
U.S. Pretrial Services Officer

**Subject:** Kelvin Arnold  
CR 07-00488 CW

**Date:** March 17, 2008



## MEMORANDUM

Your Honor:

On March 11, 2008, Kelvin Arnold appeared for a Bail Violation Hearing before Your Honor regarding a memorandum that was submitted by this officer on February 29, 2008. This memorandum is attached for Your Honor's review. On that date, this officer informed the Court about the numerous violations that the defendant incurred while on Pretrial Supervision which includes: his failure to report for drug testing on February 16<sup>th</sup>, February 18<sup>th</sup>, and February 29, 2008; his positive drug test for methamphetamine and marijuana on March 3, 2008; his denial of his substance abuse; and his curfew violation on March 10, 2008, as well as not residing at his residence in Livermore, California, on the weekend of March 7, 2008.

During the defendant's Bail Violation Hearing on March 11<sup>th</sup>, Mr. Arnold expressed his mental health issues as well as his diagnosis of bi-polar disorder. The defendant informed the Court that he has also been taking medication to alleviate his bi-polar symptoms. On that same date, Your Honor ordered the defendant to enter into the dual diagnosis program at the New Bridge Foundation in Berkeley, California, by March 14, 2008.

On March 11, 2008, Mr. Arnold was interviewed by the Program Coordinator Peter Budlong from the New Bridge Foundation at the Pretrial Services office. Mr. Budlong related that the defendant is acceptable to their dual diagnosis program and directed the defendant to enter their facility on March 12, 2008, by 2:00pm. After the defendant's meeting with Mr. Budlong, this officer spoke with the defendant regarding his compliance issues. Mr. Arnold seemed unhappy about entering the program and indicated that "he believes he doesn't need mental health counseling." The defendant also provided a sample for urinalysis which resulted in a presumptive positive drug test for methamphetamine and marijuana. The sample was sent to Scientific Testing Laboratories for confirmation. Mr. Arnold admitted to using ecstasy and marijuana on March 1, 2008. This officer contacted the defendant's aunt, Charlene McKinney, who advised that she would be willing to take the defendant to the facility the following day.

On March 12, 2008, this officer contacted Mrs. McKinney regarding Mr. Arnold's status of entering the program. Mrs. McKinney advised that the defendant had left their

**MEMORANDUM FOR THE HONORABLE WAYNE D. BRAZIL  
UNITED STATES MAGISTRATE JUDGE  
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residence around 7:30am and has not returned home since. She related that the defendant's personal belongings remain downstairs and unpacked. It should be noted that this officer attempted to contact the defendant several times on his cellular phone which was turned off. On that date, this officer received a telephone call from a representative at the New Bridge Foundation. They indicated that the defendant entered their facility at 4:30pm and that he advised he was late because of public transportation and that his significant other's vehicle broke down.

**VIOLATION:**

On March 17, 2008, this officer received a telephone call from Peter Budlong. Mr. Budlong advised that a staff member had left him a voice message on Saturday evening, March 15, 2008, informing that Mr. Arnold had brought some methamphetamine (speed) to their facility. Mr. Budlong relayed that the defendant was forthcoming with his possession of the drug and that Mr. Arnold stated he was not aware the "drugs were on him." Mr. Budlong advised that staff members placed Mr. Arnold on "disciplinary action" at which time the defendant expressed his frustrations and wanted to leave the program. However, Mr. Budlong informed that staff members were able to calm the defendant down and that Mr. Arnold began to comply with the rules.

It should be noted that this officer also spoke with Assistant Program Coordinator Isiasha Ware at New Bridge Foundation. Ms. Ware indicated that the defendant voluntarily presented the methamphetamine to staff members on Friday, March 14, 2008, and apologized to having the drug. Ms. Ware related that the defendant was thoroughly checked by staff members during his intake on March 12, 2008, and that no other drugs were found on his person during that time. She advised that the defendant may have possibly stashed the drugs on his person prior to entering the program. Ms. Ware confirmed that the defendant has been placed on disciplinary action and that he has been compliant since.

**RECOMMENDATION:**

Pretrial Services is concerned that the defendant attempted to bring drugs to the New Bridge Foundation program and place other individuals at risk of relapse. This officer is also troubled that the defendant has expressed some unwillingness to have his mental health and substance abuse issues addressed through his conversation and actions. Furthermore, this officer believes that if this continued behavior persists, the defendant may not be able to successfully complete the program. Based upon the above information, Pretrial Services respectfully recommends that Bail Violation Hearing be held on Wednesday, March 19, 2008, to show cause of why the defendant's bail should not be revoked.

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**UNITED STATES MAGISTRATE JUDGE**  
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Mr. Arnold is scheduled to appear for Change of Plea or Motions on April 9, 2008, at 2:00pm before the Honorable Claudia Wilken, U.S. District Judge.

This memorandum is submitted for Your Honor's review and direction. If Your Honor has any questions or concerns, please do not hesitate to contact the undersigned at (510) 637-3757.

Respectfully Submitted,



Paul Mamari  
U.S. Pretrial Services Officer

Reviewed By,



Allen Lew, Supervising  
U.S. Pretrial Services Officer

cc: Honorable Claudia Wilken, U.S. District Judge  
Keslie Stewart, Assistant United States Attorney  
Ismail Ramsey, Defense Counsel